

**Remarks/Arguments:**

With the present response, claims 1-3, 6-11 and 13-52 are pending. Claim 12 has been canceled with this response.

Applicants traverse the statement in the Office Action that it is admitted prior art to include a therapeutic polymer coating on a stent including non-genetic agent, genetic agent, and cells based on grounds that the Examiner's official notice of it being well known was not addressed. See Office Action, page 2 ,lines 3-5. Such prior art is not admitted.

Applicants respectfully submit that the rejections of the claims that recited the above-referenced features, namely claims 28, 30-33, and 37-52, were all addressed in Preliminary amendment filed with the RCE filed June 22, 2007. Specifically, in page 11 of the Preliminary Amendment, claims 28-33 and 37-52 were addressed by stating that:

[c]laims 28-33 and 37-52 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Shank in view of U.S. Patent Application Publication No. 2003/0139798 to Brown et al. ("Brown"). Brown is cited for incorporating a therapeutic polymer coating onto the stent of Shank. Applicants respectfully submit that Brown fails to cure the deficiencies of Shank recited above. Claims 28-33 ultimately depend from claim 1 and claims 37-52 ultimately depend from claim 34. Applicants respectfully submit that these claims are patentable over the proposed combination of Shank and Brown *for at least the same reasons as set forth above* with respect to claims 1 and 34, respectively. Reconsideration and allowance of claims 28-33 and 37-52 is respectfully requested. (Emphasis added)

Preliminary Amendment filed June 22, 2007, page 11, lines 15-23.

Further, the response filed on December 5, 2006 addresses then-pending claims 28-33 by stating that:

[c]laims 28-33 all depend from claim 1, and Applicants respectfully submit that claims 28-33 are all patentable over the cited prior art for at least the same reasons as set forth above with respect to claim 1.

Amendment filed December 5, 2006, page 13, lines 6-8.

While Applicants did not specifically address the alleged admitted language in the Preliminary Amendment, Applicants respectfully submit that any silence regarding an alleged ground for rejection is not an admission, particularly in light of the fact that the rejection of the subject claims was addressed on other grounds, as discussed above.

### **Claim rejections**

Claims stand rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 6,231,581 to Shank et al. ("Shank"). While the Office Action does not specifically address which claims stand rejected in the beginning of the rejection, the Office Action appears to address claims 1-3, 6-27, 35, and 36 throughout the rejection. Claim 12 has been canceled, rendering the rejection of claim 12 moot. Applicants do not see where claim 34 is specifically addressed, but will address claim 34 as if it were rejected as unpatentable over Shank.

Each of amended claims 1, 10, and 34 recites, *inter alia*, a stent comprising a first section, a second section, "at least one"/"a" securement member, and at least one *separate* strengthening member comprising a first portion positioned between the securement member and at least one of the first section and the second section, the strengthening member also comprising a second portion extending beyond an end of the securement member

Shank is cited with regard to claims 10 and 12 for allegedly disclosing at least one strengthening member as the bend in 52i above the seam at 66i bordering 53i in Fig. 32. Bend 52i above the seam 66i is part of shank 52i and is not a *separate* strengthening member, as is recited in each of amended claims 1, 10, and 34. Shank fails to disclose or suggest a strengthening member that is a separate piece.

Because Shank fails to disclose or suggest all of the limitations of claim 1, 10, 34, as amended, Applicants respectfully submit that the rejections of claims 1, 10, and 34 are improper. Applicants respectfully request reconsideration and allowance of claims 1, 10, and 34. Claims 2-3, 6-9, and 13-27 all ultimately depend from claim 1, claim 11 depends from claim 10, and claims 35 and 36 depend from claim 34. Applicants respectfully submit that claims 2-3, 6-9, and 13-27; 11; and 35 and 36 are all patentable over Shank for at least the same reasons set forth above with respect to claims 1, 10, and 34, respectively. Applicants respectfully request reconsideration and allowance of claims 2-3, 6-9, and 13-27; 11; and 35 and 36.

### **Claims 28-33 and 37-52**

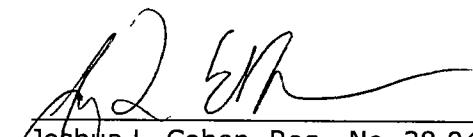
Claims 28-33 and 37-52 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Shank in view of U.S. Patent Application Publication No. 2003/0139798 to Brown et al. ("Brown"). Brown is cited for incorporating a therapeutic polymer coating onto the stent of Shank. Applicants respectfully submit that Brown fails to cure the deficiencies of Shank recited above. Claims 28-33 ultimately depend from claim 1 and claims 37-52 ultimately depend from claim 34. Applicants respectfully submit that these claims are patentable over the proposed

combination of Shank and Brown for at least the same reasons as set forth above with respect to claims 1 and 34, respectively. Reconsideration and allowance of claims 28-33 and 37-52 are respectfully requested.

**Conclusion**

In light of the above amendments and arguments, applicants respectfully submit that claims 1-3 and 6-52 are in condition for allowance. Prompt reconsideration and notification of same are respectfully requested.

Respectfully submitted,



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